

United States District Court

DISTRICT OF MARYLAND

**CHAMBERS OF
WILLIAM D. QUARLES, JR.
UNITED STATES DISTRICT JUDGE**

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July 15, 2003

TO COUNSEL OF RECORD

Re: St. Paul Fire and Marine Ins. Co. v. Transamerica
Occidental Life Ins. Co., et al.
Civil No. WDQ 02-3123

Dear Counsel:

Enclosed please find an Initial Scheduling Order which has been entered in the above captioned case.

I specifically call your attention to paragraph IV's discussion of summary judgment motions.

I also draw your attention to paragraph VI of the Order which provides that "no changes in the schedule set forth herein will be permitted, unless authorized by the Court for good cause shown." Counsel should confer immediately and advise me in writing within ten days of any modifications which they believe should be made to the Order. Such advice need not be in motion format. I will review the request and, unless I believe that the Order should remain as it is, either modify the schedule or set a scheduling conference.

If counsel do not make such a request within ten days, the schedule as set in the Order will be firm and modifications will be made only if reasonably unforeseeable events should intervene. Counsel should advise me immediately of the occurrence of any such events, by appropriate motion. I try to rule upon pending motions as promptly as I can. If within thirty days of the deadline for the filing of the reply memorandum (if no hearing is set) or within thirty days of a hearing I have not sent you a ruling, you should feel free to contact my chambers to ascertain the status of the motion. I will take no offense at such a call. To the contrary I would welcome it as a means to assure that the motion will receive prompt attention.

Very truly yours,

/s/

William D. Quarles, Jr.
United States District Judge

Enclosure
cc: Addressees

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ST. PAUL FIRE AND MARINE INS. CO. :
v. : CIVIL NO. WDQ-02-3123
TRANSAMERICA OCCIDENTAL LIFE :
INSURANCE COMPANY, et al. :

SCHEDULING ORDER

This case is subject to electronic filing. Please familiarize yourself with the procedures for electronic filing available at: www.mdd.uscourts.gov. You must use the electronic filing system for filing documents with the Clerk and sending case related correspondence to chambers. When you electronically file a document that, including attachments is 15 pages or longer, you must also provide me a paper copy of the document and a paper copy of the notice of electronic filing. The paper copy should be sent to the Clerks Office.

I. DISCOVERY

This case is, by this Order, exempted from the disclosure provisions of Fed. R. Civ. P. 26(a)(1-4) and from the formal conferencing provisions of Fed. R. Civ. P. 26(d)(1st sentence) and (f).

Discovery pursuant to Fed. R. Civ. P. 26(b) shall begin immediately.

Depositions and all other discovery shall be completed by **November 17, 2003**. **Note: Running from the date this order is issued: Plaintiff(s) must name expert witnesses by the 30th day. Deposition of these experts must be completed by the 60th day. Defendant(s) must name experts by the 90th day. Deposition of defense experts must be completed by the 120th day, i.e., the close of discovery.**

Motions to compel are not initially filed with the Court but are served under Local Rule 104. The Court will not consider or resolve any discovery disputes other than those properly before it in accordance with Local Rule 104.

If problems develop with reference to discovery as to some issues in the case, discovery on other issues should nevertheless proceed on schedule. The filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery schedule.

II. THIRD-PARTY CLAIMS

Any third-party claims, counterclaims and cross-claims shall be filed by **September 1, 2003**.

III. STATUS REPORT

The parties shall file by November 17, 2003 a status report covering the following matters:

1. Whether or not discovery has been completed;
2. Whether or not any motions are pending;
3. Whether or not any party intends to file motions;
4. Whether the case is to be tried jury or non-jury and the anticipated length of trial;
5. A certification that the parties have met to conduct serious settlement negotiations and have discussed consensual reference of this case to a United States Magistrate Judge pursuant to 28 U.S.C. §636(c); and the date, time and place of the meeting and the names of all persons participating therein;
6. Any other matter which any party believes should be brought to the Court's attention.

IV. MOTIONS

All motions shall be filed on or before December 17, 2003. After motions and responses thereto have been filed, the Court will advise the parties if a hearing is to be scheduled. Any party who opposes a summary judgment motion must submit, with such opposition, a concise list of the material facts he or she contends are in genuine dispute, with a specific reference for each such fact to that part of the materials submitted by such party under Fed. R. Civ. P. 56(e) generating a genuine dispute as to that fact.

MOTIONS IN LIMINE ARE NOT SUBJECT TO THE DEADLINE IN THE PRECEDING PARAGRAPH, BUT MUST BE FILED NOT LATER THAN SIX WEEKS PRIOR TO THE SCHEDULED COMMENCEMENT DATE OF TRIAL.

V. PRETRIAL CONFERENCES

A pretrial conference has been set for February 19, 2004 at 9:00 a.m. Counsel will be held to strict compliance with Local Rule 106, as to submission and contents of the pretrial order. Requested voir dire, requested jury instructions, and trial briefs (in non-jury cases) are due from all parties at the pretrial conference. **The Court would appreciate receiving the requested voir dire and jury instructions on IBM, Word Perfect 8.0 diskettes, where available.**

VI. CHANGES IN SCHEDULE

No changes in the schedules set forth herein will be permitted, unless authorized by the Court for good cause shown. Any such requests, either stipulated or ex parte, must be by motion and filed with the Clerk. No letters directed to Chambers will be effective to change this schedule, except for an initial letter request made not more than 10 days from the date hereof.

/s/
William D. Quarles, Jr.
United States District Judge

Dated: July 15, 2003